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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,821	10/01/2003	Bradford Lawrence Spencer	06975-429001	8775

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EXAMINER

BUI, BING Q

ART UNIT PAPER NUMBER

2642

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/674,821

Applicant(s)

SPENCER ET AL.

Examiner

Bing Q Bui

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 50-99 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-99 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/16/04; 11/01/04 and 11/24/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's Preliminary Amendment filed on 01/26/2005 has been entered. Claims 1-49 have been cancelled. Claims 50-99 have been added. Claims 50-99 are still pending in this application, wherein claims 50, 82, 83, 84, 98 and 99 being independent.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 50-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al (US Pat No. 6,529,587) in view of Bajzath et al (US Pat No. 6,144,644), herein after referred as Cannon and Bajzath.

Regarding claim 50, referring to Figs 1A-2, Cannon teaches the invention substantially as claimed, a method for screening a telephony call made by a calling party includes receiving, over a telephone network, the traditional telephony call from the calling party at a messaging service platform (e.g., voice mail system), recording an audio message from the calling party as audio data, and substantially simultaneously transmitting (e.g., substantially simultaneously broadcasting) the audio data from the messaging service platform (e.g., voice mail system) to a called party while the calling party is leaving the audio message in the voice mail system. Before the calling party finishes leaving the audio message (e.g., during the course of recording the incoming message), the called party perceives the transmitted or broadcasted audio data and may react either interrupting incoming message in order to be directly connected with the calling party, or letting the incoming message to be continuously recorded in response to the transmitted or broadcasted audio message (see Figs 1A-2 and col. 2, In 29-col. 5, In 30).

Cannon differs from claimed invention in which he does not teach the called party is associated with a client system (e.g., a computer) where the transmitted or broadcasted audio message is received. However, Bajzath teaches a called party such as end user 205 who receives a caller's voice message such as caller's telephone number and name at his client system such as personal computer 130 (see Fig 2 and

col. 7, Ins 16-30). Therefore, integrating Bajzath's teachings into communication system of Cannon would have been obvious for enabling an end user to screen an incoming message regardless what communication media he uses.

As to claims 51-81 and 85-97, they are substantially taught by Cannon as disclosed in Figs 1A-2 and col. 2, In 29-col. 5, In 30 and as explained in claim 50 above.

As to claims 82, 83, 84, 98 and 99, they are rejected for the same reasons set forth to rejecting claim 50.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 5,805,587

U.S. Pat. No. 6,366,661

U.S. Pat. No. 6,377,668

U.S. Pat. No. 6,396,908

U.S. Pat. No. 6,421,425

U.S. Pat. No. 6,498,841

U.S. Pat. No. 6,532,286

U.S. Pat. No. 6,567,854

U.S. Pat. No. 6,757,274

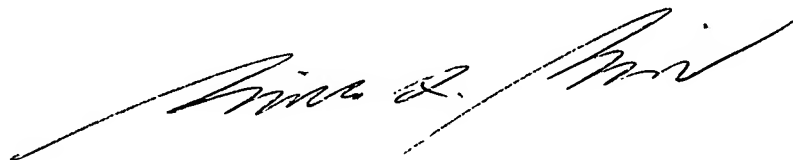
EP 0 959 593 A2

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

28 Mar 2005

A handwritten signature in black ink, appearing to read 'Bing Q. Bui', written in a cursive style.

**BING Q. BUI**  
**PRIMARY EXAMINER**